

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 28 2008  
at 4 o'clock and 24 min. PM  
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG/LEK
	)	
Plaintiff,	)	<b>NOTICE OF UNAVAILABILITY</b>
	)	<b>OF COUNSEL; CERTIFICATE OF</b>
vs.	)	<b>SERVICE</b>
	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland Security;	)	
JOHN DOES 2-5,	)	
	)	
Defendants.	)	
_____	)	

NOTICE OF UNAVAILABILITY OF COUNSEL

TO THE PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Daphne E. Barbee, Attorney of Record in the above entitled matter will be unavailable from May 29, 2008 through June 17, 2008 for any and all court appearances including *ex parte* applications, depositions, and discovery or any other matter in the within action.

Please take further notice that counsel are cautioned not to schedule

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appearances or other proceedings requiring response with the designated period. Purposely scheduling a conflicting proceeding without good cause is sanctionable conduct. Tenderloin Housing, Inc. v. Adams Sparks, et al. (1992), 8 Cal.App.4th 299.

DATED: Honolulu, Hawaii

5-21-08

Daphne E. Barbée  
DAPHNE E. BARBEE  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland Security;	)	
JOHN DOES 2-5,	)	
	)	
Defendants.	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following parties at their last known addresses by means of hand delivery on this date.

EDWARD H. KUBO, JR., ESQ.  
U.S. Attorney  
THOMAS A. HELPER, ESQ.  
Assistant U.S. Attorney  
Rm. 6-100, PJKK Federal Building  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850

Attorneys for Federal Defendants

DATED: Honolulu, Hawaii, 5-28-08.

Daphne E. Barbée  
DAPHNE E. BARBEE  
Attorney for Plaintiff